

APPEAL NO. 041752
FILED SEPTEMBER 7, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A consolidated contested case hearing (CCH) was held on July 5, 2004. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____, and that the claimant sustained another compensable injury on (subsequent date of injury). The appellant (self-insured) requests that we reverse the entire decision of the hearing officer and remand the case for the hearing officer to determine extent-of-injury issues it asserts were litigated at the CCH. The claimant requests that we affirm the hearing officer's decision and asserts that issues regarding the extent of the compensable injuries cannot be litigated until the claimant receives further medical treatment.

DECISION

Affirmed.

The only two disputed issues at the benefit review conference and at the CCH were whether the claimant sustained a compensable injury on _____, and whether he sustained a compensable injury on (subsequent date of injury). The parties agreed at the CCH that those were the two disputed issues. The first claim arose when the claimant fell down after he stepped in a hole and the second claim arose out of a motor vehicle accident. There is no dispute that the claimant was in the course and scope of his employment when the incidents occurred. There was no request to add an issue regarding the extent of the injuries. The hearing officer specifically noted in his decision that there was no issue regarding the extent of each injury. The hearing officer decided the disputed issues before him by determining that the claimant sustained a compensable injury on _____, and that he sustained a compensable injury on (subsequent date of injury). Section 401.011(26) defines "injury" as damage or harm to the physical structure of the body and a disease or infection naturally resulting from the damage or harm. There is sufficient evidence to support the hearing officer's determinations on the disputed issues and those determinations are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Although there was testimony and medical evidence regarding the nature of the claimant's injuries, we cannot say that either the hearing officer or the claimant was made aware of issues regarding extent of injury being litigated at the CCH. The hearing officer did not err in confining his determinations to the two disputed issues that were agreed to by the parties.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**SENIOR VICE PRESIDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica L. Ruberto
Appeals Judge